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OFFICE OF PETITIONS

In re Application of

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Application No. 09/723,194

Filed: November 27, 2000

Attorney Docket No. 10830-048001

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Decision on Petition

This is a decision on the petition under 37 CFR 1.137(a), filed February 11, 2005, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition is under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed September 7, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application was deemed abandoned as of December 8, 2004. A Notice of Abandonment was mailed on January 20, 2005.

Petitioner has established the Notice of Allowance was never received.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR 1.181, the petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the petition fee will not be charged to petitioner's deposit account.

The Office of Publications will be informed the application has been revived so that it may take steps to issue the application as a patent.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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Office of Petitions